

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 00-6323-CR-HURLEY
00-6333-CR-HURLEY

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JOSEPH J. FELZER,

Defendant. /

REPORT AND RECOMMENDATION

THIS CAUSE came before the Court on July 11, 2007, for a hearing on alleged new violation of supervised release. The defendant has already admitted to Violations 1-5 and a Report and Recommendation as to those counts has been entered by the Honorable James M. Hopkins. The defendant is now charged with an additional violation of his supervised release:

6. Violation of mandatory condition, by failing to refrain from violation of the law.

On June 11, 2007, the Defendant was arrested by the Miramar Police Department and charged with possession of drug paraphernalia, riding bike with no/imp light, and resisting and obstruction without violence, Case Number 07-12655MM10A. On the same date, the Defendant pled nolo contendere, he was adjudicated guilty and sentenced to four days in the Broward County, Jail, credit for time served plus court costs in the amount \$233.

The defendant consulted with counsel and admitted to violating the condition of supervised release. The Court found that the defendant voluntarily and knowingly admitted to the violation of

his supervised release. Based upon this finding, this Court recommends to the District Court that Joseph J. Felzer be found in violation of his supervised release and recommends that the United States District Court proceed to sentencing in this matter.

Pursuant to 28 U.S.C. §636(b)(1)(B)and (C), the parties shall serve and file written objections, if any, with the Honorable Daniel T. K. Hurley, United States District Court Judge within ten (10) days from the date of this report and recommendation.

DONE AND SUBMITTED in Chambers at West Palm Beach, Florida, this 11th day of July, 2007.



LINNEA R. JOHNSON
UNITED STATES MAGISTRATE JUDGE

c: The Honorable Daniel T. K. Hurley
Thomas Lanigan, AUSA
Robert Adler, AFPD
Odine Lindor, USPO